

REMARKS

Upon entry of this Amendment, claims 1, 3-8 and 10-11 will be all the claims pending in this application. Applicants incorporate the subject matter of claim 12 into claim 1, and amend claim 8 to delete reference to “thermoplastic polyester” and insert “copolymerized.” Accordingly, Applicants amend all dependent claims to refer to a “can,” and cancel claim 12. No new matter is added. Entry is respectfully requested.

Claims 1, 3-8, 10 and 12 are rejected, and claim 11 is objected to as being allowable if rewritten in independent form.

Claim 8: Objection and Rejection under 35 USC § 112

In response to the objection and rejection under 35 U.S.C. § 112, second paragraph, claim 8 has been amended to replace “thermoplastic polyester” with “copolymerized.” Accordingly, the language of amended claim 8 finds antecedent basis in claim 1, and claim 8 as amended properly depends from claim 1. Withdrawal of the foregoing objection and rejection is respectfully requested.

Rejection under 35 USC § 103(a)

Claims 1, 3-8, 10-12 were rejected under 35 USC § 103(a) as being unpatentable over Miyazaki et al (EP 0 615 840) in view of Sakai et al (JP 05-004302), for reasons of record.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

Miyazaki et al surely discloses cans formed of a steel coated with an Fe/Sn alloy layer and with an Sn-containing layer, and wherein the Sn-containing layer is further coated with an adhesive and a biaxially stretched PET of a given polyester layer thickness.

However, the cans formed of a tin-plated steel sheet of Miyazaki et al are welded cans, and thus are not press-formed cans, i.e., seamless cans (See page 6, line 13 to page 7, line 27, and Examples 1 to 11) as required by amended claim 1. Examples 12 and 13 disclose seamless cans which, however, are all formed of a resin-coated aluminum sheet.

Further, Miyazaki et al does not disclose the use of a silane coupling agent. Rather, Miyazaki et al discloses using a thermosetting coating material. In this regard, the claimed press-formed cans cannot be produced by the resin-coated tin-plated steel sheet employing the thermosetting coating material taught by Miyazaki et al insofar as the claimed cans are subjected to severe conditions.

The Examiner considered that Sakai et al teaches improved adhesion between a metal plating layer and thermoplastic polyester achieved with a silane coupling layer of the claimed area density. Based thereon, the Examiner concluded that a person skilled in the art would have easily combined Miyazaki et al with Sakai et al.

Applicants respectfully disagree. This is because the present invention could not have been obtained even if the silane coupling agent taught by Sakai et al were to have been used instead of the thermosetting coating material for the seamless can formed of the resin-coated aluminum sheet taught by Miyazaki et al.

Additionally, Sakai et al is concerned with is a damping material which is not pertinent to the relevant art of making seamless cans, or cans in general. It would thus not have been obvious to have combined the disclosures of Miyazaki et al and Sakai et al to form a seamless can that withstands draw-ironing conditions during formation. This is because there is no teaching or suggestion to substitute the silane coupling agent taught by Sakai et al instead of the thermosetting coating agent for the resin-coated tin-plated steel sheet taught by Miyazaki at al.

Moreover, Sakai et al does not particularly limit its resins. Sakai at al does not teach that copolymerized polyesters are preferred for use in subjecting articles to severe working conditions, such as draw-ironing. Rather, Sakai at al teaches that unsaturated polyesters and thermosetting polyesters are preferred in relation to the silane coupling agent. Therefore, even a person skilled in the art would not have easily considered using, in combination, a copolymerized polyester resin (that is other than those exemplified to be preferable by Sakai et al) for the resin-coated tin-plated steel sheet obtained by combining the silane coupling agent of Sakai et al with Miyazaki at al.

Further, as set forth in the Remarks portion of the Amendment filed March 26, 2008, when a copolymerized polyester is used for press-forming the cans of the claimed invention, superior results are obtained as compared to the case where a homopolyester is used. This point is clear from the results of the Examples of the specification. Further, such an effect would not be expected from either of Miyazaki et al or Sakai et al.

In view of the foregoing, the features of claim 1, 3-8 and 10-11 would not have been obvious over the combination of Miyazaki et al in view of Sakai et al.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/507,013

Attorney Docket No.: Q83539

Withdrawal of the rejection and allowance of claims 1, 3-8, 10 and 11 is earnestly solicited.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 4, 2008